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Section: News

ACLU sues for boy in immigration raid

Mark Prado, MEDIANEWS STAFF

SAN FRANCISCO -- The American Civil Liberties Union filed a lawsuit Thursday on behalf of a 7-year-old San Rafael boy who was taken from his bed as part of an early-morning Immigration and Custom Enforcement sweep last month.

Kebin Reyes, an American citizen born in Greenbrae, has nightmares from the incident, the boy's father said Thursday.

"Kebin is still showing signs of trauma," Noe Reyes said through an interpreter at a news conference at ACLU offices. "He always needs to be next to his dad or another adult. What I want is justice so this doesn't happen to any other child."

In its suit, the ACLU alleges Nancy Alcantar, the U.S. Immigration and Customs Enforcement San Francisco field office director, and officers under her command violated the boy's constitutional rights.

The suit, filed in U.S. District Court in San Francisco, specifically cites the Fourth and Fifth Amendments -- the right to be secure in one's home against unreasonable search and seizure, and that no person shall be deprived of liberty without due process.

ACLU attorneys allege the federal government did not have a search warrant for the boy's home. But an ICE spokeswoman said warrants are obtained for all arrests.

Armed with dozens of arrest warrants, federal immigration officers swept into the Canal neighborhood in San Rafael at dawn March 6 and arrested illegal immigrants.

Caught up in the sweep was Kebin, who was with his family in an apartment on Belvedere Street when officers made the arrests.

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Agents were targeting Noe Reyes, who was in the United States illegally from Guatemala and had been ordered deported in 2000, according to ICE.

Noe Reyes gave the ICE agents his son's U.S. passport identifying Kebin as a U.S. citizen, according to the ACLU. An ICE agent then told Noe to awaken his son, saying they would take them in for only an hour or two.

Noe Reyes asked several times to make a phone call to arrange for a family member or family friend to care for Kebin. Each of the requests was denied, and Kebin watched as his father was handcuffed and taken away.

Immigration officers then told Kebin to place his arms behind his back, like his father, but he was not put in handcuffs. The pair were taken to San Francisco, according to the ACLU.

ICE officials said they took Kebin to San Francisco for his well-being until a relative could pick him up.

"He was not arrested," said Lori Haley, immigration spokeswoman. "We didn't want to leave that little boy alone."

The agency's policy on dealing with children is to allow the adult being detained to make arrangements for the minor's care.

If that's not possible, the arresting officer's supervisor makes arrangements, which vary according to the situation.

At the ICE processing center in San Francisco, additional requests to make a phone call were denied, and the boy and his father were placed in a locked room for about 10 hours and given bread and water, according to the ACLU.

Kebin was released that evening after his uncle learned about the incident from neighbors.

The uncle had to wait several hours before Kebin was finally released, ACLU attorneys said.

"ICE's treatment of children is not in line with American values of decency and fairness," said Julia Harumi Mass, staff attorney with the ACLU. "In addition to Kebin's case, we have heard reports of children left without care after their parents are detained, immigration agents targeting areas around elementary schools, and children too upset to participate in class after witnessing early morning raids in their communities. The human cost of these tactics is unacceptable."

The suit seeks unspecified damages and would require federal immigration officials to develop a policy on caring for children they might find during enforcement so cases like Kebin's aren't repeated, attorneys said.

Immigration attorneys and others said Kebin's case is the most serious example of children being harmed by immigration policy.

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The sweep was part of a stepped-up Immigration and Custom Enforcement program called Operation Return to Sender, which aims to arrest people in the country illegally.

About 18,000 people have been detained by this enforcement action since it began last year.

From Massachusetts to Colorado and California, children have been left without their parents when the adults were seized, civil rights attorneys said.

Noe Reyes is dealing with his immigration issue in court and has a hearing set for June. Kebin's mother lives outside the country.

Kebin's citizenship does not give his parents any legal standing as residents in the United States, ICE officials said.

"Having a child here is a risk people take," Haley said, "and then they are faced with decisions."

The Associated Press contributed to this report.

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---- INDEX REFERENCES ----

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